IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12077 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHANBHI RAMIBEN LEMBABHAI

Versus

MAMLATDAR VADALI

Appearance:

1. Special Civil Application No. 12077 of 2003

MR JV JAPEE for Petitioner No. 1-16

Mr. Nagesh Sood, AGPor Respopondents No. 1-5

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 27/07/2004

ORAL JUDGEMENT

Rule. Shri Sood, learned AGP waives service of Rule on behalf of the respondents. At the request of the learned advocates appearing for the parties, the matter is taken up for final hearing today.

2. The petitioners were having agricultural lands which were acquired and they got submerged in Dharoi project and they have become landless. It is the case of the petitioners that as per the relevant Resolution of the Government the petitioners are entitled to be allotted the lands which remained open for the purpose of cultivation on permanent basis. It is the case of the petitioners that they are allotted the lands on "ek sali" basis, however they are entitled to be allotted the land on permanent basis for the purpose of cultivation and agricultural purposes. He has also relied upon the judgment of this Court dated 24.7.2002 passed in Special Civil Application No. 11958 of 2001 (Coram: Mr. B.J. Shethna, J.). This Court in the above matter, which is identical to the case on hand, directed the petitioners therein to move an application for allotment of the land on permanent basis.

3. Under the circumstances, the petition is allowed. The respondents are directed to allow the petitioners to occupy and cultivate the lands allotted to them on ek sali basis. It will be open for the petitioners to move an application before the appropriate authority for allotment of land on permanent basis. As and when such applications are made, the respondents are directed to consider the claim of the petitioners for permanent grant of lands to them on ek sali basis as per the resolution of the State Government. The respondents shall take decision as early as possible and not later than 31st of December 2004. Rule is made absolute to the aforesaid extent with no order as to costs. Direct service is permitted.

rmr. [M.R. Shah, J.]